

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**VERONICA AVELLANEDA,
Plaintiff,**

v.

**WAL-MART STORES TEXAS, LLC
Defendant.**

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Civil Action No. 3:18-CV-2635-E

FINAL JUDGMENT

The Court enters this Final Judgment on plaintiff Veronica Avellaneda's Motion for Entry of Judgment (Doc. No. 79) and pursuant to the jury's verdict reached February 14, 2020, following the trial of Avellaneda's claims against Defendant Wal-Mart Stores Texas, LLC (Wal-Mart) for negligence under a theory of premises liability. The jury found (1) the negligence of both Wal-Mart and Avellaneda proximately caused the injury in question, (2) the percentage of responsibility for the injury in question was 50% attributable to Wal-Mart's negligence and 50% attributable to Avellaneda's negligence, and (3) the following damages: physical pain and mental anguish sustained in the past was \$25,000; physical pain and mental anguish that, in reasonable probability, Avellaneda will sustain in the future was \$25,000; physical impairment sustained in the past was \$25,000; and disfigurement sustained in the past was \$25,000.

In accordance with the jury's verdict, the Court hereby renders judgment as follows:

1. Wal-Mart's negligence was the proximate cause of Avellaneda's injuries.
2. Avellaneda's negligence proximately caused her injuries.
3. The percentage of responsibility attributable to Wal-Mart is 50%, and the percentage of responsibility attributable to Avellaneda also is 50%.
4. Avellaneda is entitled to recover \$50,000, fifty percent of the \$100,000 in damages

awarded by the jury, from Wal-Mart.

5. Avellaneda also is entitled to recover prejudgment interest, which shall accrue on the award of past damages (\$37,500) at the annual rate of five (5) percent, simple interest, to be paid from March 21, 2017 until the day before the date of the entry of this Judgment. TEX. FIN. CODE. ANN. § 304.104. Prejudgment interest is calculated as follows: $(0.05/365) \times 1135 \times \$37,500 = \$5830.48$. Accordingly, Avellaneda is entitled to recover from Wal-Mart \$5830.48 in prejudgment interest. Prejudgment interest does not apply to awards of future damages. *Id.* at § 304.1045.
6. Avellaneda also is entitled to postjudgment interest on the above amounts allowable by law at the federal rate of 0.17% from the date this Judgment is entered until the date this Judgment is paid.
7. All costs borne by the parties shall be the responsibility of those incurring same.
8. The Court orders execution to issue for this Judgment.
9. The Court denies all relief not granted in this Judgment.
10. This is a FINAL JUDGMENT

SIGNED this 30th day of April, 2020.

A handwritten signature in black ink, appearing to read 'Ada Brown', written over a horizontal line.

ADA BROWN
U.S. DISTRICT COURT JUDGE